## SUSPECTED MURDER.

Examination of Mary Smithers on a charge of murdering her husband, James Smithers, by the administration of poison, (sulphuric acid.) on the 3d day of March inst., whereof he died on the 9th of the same month.

Examining Justices-Wm. Sullivan, Joshua Stevens, Caleb Scudder, Esq., S. Henderson, Mayor, and - Havnes, Esq.

D. Wallace, for the prosecution.

H. C. Newcomb, for the defence. EVIDENCE FOR THE STATE.

TUESDAY, March 20, 1849. Dr. John Ross-Testified-Was called to see deceased at before his demise. Was sent for on Tuesday morning. Pronounced disease complicated pneumonia and deligiom tremens Saw no other symptoms. Was asked at another time advice what to do, and-Objections were here made as to what deceased had said, which were sustained by the court. 1 Don't kown the day of the month when calledthinks fore part of the month. Witness was informed that deceased was taken sick on Thursday. Witness administered medicine. Left opium, calomel and camphor for complicated disease-also landanum and sulphuric ether, to ease patient. Deceased supposed snakes after him. Had symptoms of delirium tremens. Gave latter medicine to compose and quiet him. Considered disease pneumonia and deligium tremens. Staid from 5 a. m. to 11 a. m. Pulse was sometimes full and quick and then slow and corded. Did not see him after. Delirium tremens determined by common observation-eyes glassy and whitish appearance, and occasional insanity. Deceased drank too much. Witness often remonstrated with him for indulging in liquors. Is not prepared to say that any other disease would not cause the same symptoms. Described inflammation of the lungs. Patient

related to deceased; but was there to assist. Cross-examined-Deceased was about 40 years of age. Had known him two years. Known him to be intemperate for a year. Is not mistaken as to delinium tremens. Has seen deceased some twenty times since last spring. Never saw him drunk, but have seen him intoxicated, and knew that he kept whiskey by the barrel. Deliciums tremens generally comes on when the effects of the liquot are exhausted. His wife was not in good health.

complained of no soreness of chest. Had little cough and

expectorated freely. Inflammation of lungs would produce

altegether different symptoms from delirium tremens. De-

ceased's wife was about the house. Mr. Simson and a boy

were present. Simson came after depotent. Simson is not

Direct resumed - Has practised a little over two years. Is not a regular educated physician. Has heard people mention deceased having delirium tremens.

Dr. Samuel Ross .- Was called evening previous to death of deceased. Deceased said nothing ailed him, but he was weak and had to appetite. He had imagined seeing spectres, and had had distressed sleep. Was informed deceased had had two attacks of delivium tremens. Believes he was afficted with delirium tremens and pneumonia-decrased expectorated freely. Mrs. S. having left, there was no one Mrs. Fours used. It might be Dutch or something else. to inquire of. Had no hesitation in propouncing the disease pneumonia and delinium tremens. Deceased looked wild, So treated his case. Did not think him dangerous-and was surprised to hear of his death. Can't recollect dates. Mrs. he might have asked her questions, but don't recollect. Gave calemel and morphine. Left five other potions of calomel and morphine to be given one every two hours, if he did not had kept higher for sale during the winter. Bradfield had go to sleep; if he did, to let him rest. Gave antimonia! wine and sweet spirits of nitre-teaspoonful to be taken every three hours. Left castor oil and spirits of turpentine to be taken in the morning.

12 grains of calomel in the six doses. The first was rather the largest, and contained the most morphine.

lar physician. Congestion of blood to the brain and inflammation of lungs will produce delirium, but not of the character of the case under consideration. Thought deceased insensible to his condition. Had heard of his having had delitium tremens before. Dr. Horn and others told him. Horn said he had "patched up" deceased.

Cross-examined .- Impression is that he is not not mistaken in the symptoms. Could find but few symptoms of deceased having taken sulphuric acid, as described by the books. Lives six miles from residence of deceased. Never saw a case of poison by sulphune acid. Symptoms of deceased did bad been confined about two weeks. Defendant's counsel.] the stomach. The latter would be the consequence of not correspond with the books on this subject. Saw no such the acid previously. Sulphuric acid is instantaneously cor- many others, supposed the child all hers:) [Laughter:]

tosive. Saw him eating at first. ment. To the best of witness's belief, inflammation of the stomach and bowels caused his death. Stomach presented a full and distended appearance-inflamed-blood vessels injected, and of bowels also, with blood. Bowels examin-Internal surface of stomech highly cornoded, and inflamed, with ulcerated spots surrounded by a dark areola; and the appearance on the whole such as would result from the presence of a corrosive acid. Heart was enlarged, and the right side filled with a dark congulum. Walls normal and rather thinner than usual-no other symptoms of positive disease in the heart. The contents of the stomach appeared to be recent undigested food mingled with castor oil There was no satisfactory reaction when alkalies were appliednot more than might occur under other circumstances. The mucous membrane could in places be easily detached by the finger nails-dark color-ulcerations copper colored. It was s sort of temperance lecture on the subject. Stomach was like an old leather apron-bore appearances of an older inflammation. Recent inflammation sufficient to cause death. Appearance indicated corresive acid. Effects of oil of vitrol would depend on the strength-strong would burn-diluted on an irritable au mach, would excite inflammation. A difficulty of breathing-the mind and nervous system would become affected, and vomiting or attempts to vomit might follow, either immediately or in a short time. Persons might have various kinds of delirium. Could always distinguish delirium tremens. A patient subject to delirium tremens requires but a trifle to develope similar symptoms. Developed by passions, cold, inflammation, &c. Determined to examine stomach of deceased without perjudice, and to state only what he saw. Marks of older inflammation appeared. The recent inflammation was sufficient to cause

Cross-examined .- Extended the examination until satisfied of the cause of death. Did not examine mouth. Examined lower part of @sophagus-nothing unusual in its appearance inside-did not examine the mouth particularlytomach was not perforated-difference in appearance in deaths from different causes. Contents of the stomach were dark, mingled with blood-portions of the mucous membrane contracted in ridges-of a dark color. Could not judge what caused the apprarance of the older inflan mation-could only infer from the history of the case-probably arose from intemperate habits. Oil of viviol would be a less time in its here explained the modus operandi of the several organs in ceased's, might produce death in a few hours-sometimes several days might intervene. In concentrated form might produce symptoms as described. Mucous membrane might sometimes he vemited and purging follow. It would cause great pain. Under influence of this poison, would be more or less delicious. Person taking sufficient sulphuric acid highly diluted would detect it. One part acid to seven water, and 7 or 8 drops of this solution to a wineglass full of water, would be a pleasant acid tonic. Symptoms vary as disease from this cause. Stomach in delition tremens would be inflamed, and taking a drain, especially at meal times, and would invite much would depend upon the length of time the patient had been subject to such habits-a long time would cause the barrels of whiskey this last winter. mucous membrane to be of a darker color than recent cases. Persons under delirium tremens sometimes injure themselves but are generally more fearful of being injured -might take poison. Morphine in small doses is rather beneficial Deceased had been dead or buried a week before examination-buried on Friday, and examined Saturday week following. Opium in an over dose acts through the nervous system and affects the brain.

Direct resumed .- Examined far enough to satisfy myself of cause of death. Caused by inflammation of stomach and howels. Could not tell the particular cause of the inflammation-might have been such as caused by a corroding

Dr. J. M. Gaston - The testimeny of this witness was given in such a low tone of voice, that very much of it was wnotly inaudible to the reporter; and it is barely possible ceased. Stomach and bowels highly inflamed-stomach discolored-profuse reduces, more than usual-was ulcerated and spotted. Some portions of stomach dark approaching black, snowing through the exterior. Appeard at first sight

these deposits, sulphate of mercury. Did not know whether the combination had taken place, but thought it might. Deceased had been dead eight days. Have seen cases of poison by sulphutic acid-caused butting in the mouth, throat and stemach; patient vomited blood, bile, gastric nice, &c . until he died; stomach was highly inflamed; lived about a week; detected no poisonous matter in stomach of deceased. Did not police any particular alteration about the face of deceased, not more than would occur to a person who had died a natural death. Decided heart at first to be in a discussed condition; a lit le is flated in the right ventuicle. Other physicians present (Bullard and Parry) thought it natural. Some congularm in the pulmonary artety. Observed no effect in examining contents of stomach except discoloring the warm water. A little mist was raised feet was produced on the water. Don't know that diluted

er; remarked castor oil on the water Cross-examined -Water was warm when brought; there was a fire on the ground; don't know how long the water had been off the fire. Stomach remained in the water some half an hour. Take considerable amount of sulphuric acid. to raise temperature of water, but cannot tell how much to cause steam. Discovered no symptoms of sulphusic acid in the stomach; contents of stomach about one pint-consisted of thick matter in a state of digestion; some positions resembled stewed apple; esophagus appeared natural; exammed nothing between asophagus and mouth; could not see the inside of the mouth but partially; could not have sufficient acid administered in sleep without causing person. to awake, even if diluted. Effects would be more visible about the mouth if poured in when asleep; there would be more symptoms in the stomach than mouth if taken voluncases, the passage into the stomach or larvnx when administered in sleep; appearance of the person's mouth who took acid was corrosive; deceased's mouth had not the same appearance: nothing would appear on outside of stomach unless perforated by the poison; sulphuric acid does not produce salivation; did not particularly examine the lungs; they appeared somewhat affected, but generally healthy; tobercles were found in the lungs. The man who was oisoned and whom I attended, was in the habit of drinking; pint flask examined at the time contained the oil of vitrol; don't know who handed it to me; thought from the weight and appearance it was oil of vitted in its ordinary form; suppose an ordinary teaspoonful of said acid would produce death. If put into a pitcher of cider, and a tumbler of it drank, the same quantity would produce inflammation of stomach and perhaps death; but it would make it so sour, that a man of common sense would discover it.

WEDNESDAY MORNING. Lawson Harn-Was deputised by Coroner to search the house of deceased and and searched same. Took a witness and found no bottle. Fually asked for a bottle of dye stuff. Found it in a secret place. I touched it to my pose, and it bu ned for an hour. Then took it to Thomas Burns, the foreman. Silas Webb was with me. Bradfield left after we scarched the house. It was a flat bottle large at the bottom. A flask, about one third full. It was called dve stuff. Saw to his wife in Dutch and then told me where to find it. Found it in the cupboard. Never showed it to Mr Boadfield. Cross-examined-Didn't notice any thing in the same place where the buttle was found In the upper part of the cupboard were buttles and some gieger. The cork was broken probably by taking it out. Nothing that I could swear to the bottle. It tapered from the bottom something like an egg. Don't know that the contents were the same that I touched to my nose. Don't know certain what language

Adjourned.

it- close. Was buried on Saturday. Cross-examined - Found a bottle resembling the one allued. Never saw deceased drunk Have seen him drink. Did not see any bbl, of whiskey. Mr. S had kept liquor, I went to buy some, but was a day after the fair. Deceased seen the bottle and described it to be a white bottle. Have but little acquaintance with the woman. I feel only interested to this matter that justice may be done.

dye stuff and supposed it to be poison. Remarks were made | with. in conversation with witness's wife, on account of its ex- The Court adjourned to half past 1, P. M. traordinary weight. Witness's wife made the observation of Direct .- Has practised medicine nine months. Is a regu- its being heavier, when defendant replied that it was dye stuff and supposed to be poison. This was say two weeks before his death, and one before his sickness. Deceased was taken sick on Thursday, March, 1st, and died on the Friday week following. Been acquainted with Mrs. Smithets not over six months: With deceased about a year. Resides about 14 miles from 8's residence. Have been at Smithers's house some five or six times or offener in the last six months. Deceased and wife disagreed some, because I heard them. On the evening before he was taken sick I staid at deceased's house all night and next morning the child was crying and he wanted her to noise it, (objected to) By the court. Deceased and defendant passed words. She Dr. T Bullard -Was present at the post mortem exami- shouldn't do it, because it buit her: The subject then drop- further conversation. She said she had been married the foreman of the jury. nation of James Smithers, deceased, but not at the disinter- ped: I was present the morning before S: died, -sometime before he died, deceased wanted the child which defendent refused: Don't listen to married people's quarrels: It was before breakfast that he wanted the child taken up: Parties didn't swear: They quarreled, but what they said I can't ed, but did not consider it necessary to remove them. tell: I never heard her threaten deceased directly or indirectly. Deceased didn't drink any tiquor Wednesday night not next morning: Supposed him sober: A week before he had tiquor and would take a dram. Separately I heard them both talk about the bottle: Heard nothing more than what I have testified to. Nothing was ever said by either of the consequences of drinking the contents of the bottle. tion. Saw the bottle at the graveyard in the hands of the foreman of the jury, and in Dr. Chew's hand: Knew it to be the same bottle by the stopper, which was in the neck of the flask and broken: It was between one third and one half full, at graveyard appeared not quite so much, but I might be mistaken: Deceased told witness that the contents were rank poison: Was sent to the house by the jury: Was not present when bottle was found: Had no conversation with Mis. S. since the death of her husband. Was at the funeral: Was not present at his death: Was there at 12 o'clock on Friday: Funeral started about 1 o'clock next day Saturday. Was up two nights with deceased before he died. healthy stomach would bear a weak solution. Sulphuric Deceased could get from bed to fire with help, and sit up acid, highly diluted, is irritant and tonic. In delirium tre- ten minutes considered him bad; about 8 o'clock Wednesday Condition on Thursday night was puking, shaking, &c. Did not indicate delium at any other time than spoken of. Did not see the "things all over the room" while I was with him. Complained of being sore in the stomach, mouth, throat, as law. &c. At-10 o'clock on Thursday, he was not sick: When I got there he said he was very sick. Deceased said he had been shaking and puking since dinner. Complained that he could not swallow as his threat was raw, and it burt him. This was when I got there at night. Was present witness's wife, who had staid all day. No other present. Heard that Mrs. Fouts was there but did not see her. Sat up or was up and down on Thursday night, with deceased. It was on the succeeding Wednesday that he was delirious. Mrs. Smithers was in the house on the Thursday morning and

Cross-examined -Saw the bottle first at Smithers's on the first Wednesday night. Examined the bottle and cork closely. Could not get out the cook Wanted to see what kind of looking stuff was in the bottle. The cork was pushed down telow the top of the bottle, and was in very light. Took deceased's knife and tried to get out the cork. Deceased said it would require a cork screw. Saw the botpassage to the stomach than in that organ itself. [Witness the cext day on the bureau. Did not touch it. Did not notice the cork. Knew the bottle at the graveyed by the cork the process of swallowing | Sulphuric acid in a concentratabeing in the same condition. Was told it had been o ened: ed form would burn the stomach and counde more or less in Cant tell how much was in it, or whether there was its passage to it. Could not swear that there was sulphuric any difference in the quantity. Cork was broken as if acid in the stomach, but what of acid was detected might | several pieces had been pited out. Only one room in dehave been natural-more or less ga-tric or muriatic acid de- | ceased's house. Family lived in it. Another room off. veloped in healthy stemachs. Never attended a patient who Two beds up in the room. His bed was five feet from the was possoned by sulphuric acid. If administered in concep- other. He could see the bureau from his bed. It stood at trated form during sloep, would soon wike the patient, un- the foot of her hed, which she occupied during his sickness. less entirely stupid, and its effects would probably be apper- Though the defendant and deceased was very angly when ent about the mouth. In concentrated form, sulphuric acid they quarrelled. It was not a long quarrel-may be five or would corrode, and in some cases, perforate the stomach, and ten minutes. Have beard others quarrel as hard, men and if patient hved long enough, inflammation would follow. Wetnen. It was on account of suckling the infant that com-Diluted form might not necessarily executate, but would in- menced the quarrel. She said on Thursday previous to his duce inflammation. In time, diluted form would produce death, that the damed old devil ought to prepare to make same results as concentrated. Saw no signs of the acid on sugar, instead of lying there and gounting: When I staid the mouth. Concentrated acid upon such a stomach as de- with him he vomited five or six times during the night, and purged once. He are nothing during that night. Drank a right smart of water. Did not examine his mouth except as he opened it. It to ked fiery and there were gashes in his tongue. Next Wednesday night be complained of his stomach, throat and mouth being sore. Did not vomit that night: Could walk with witness's help to the fire. Did so twice during the night: Deceased said the child should be his in the course of three weeks-he would take and put it out: Did not hear her reply: Deceased was in the habit of

others. Know that he has sold, drank and given away two Mrs. Fanny Bradfield - Witness was at the house of the deceased when he was first taken sick. Went there on Wednesday evening, and he was not taken sick until Thursday. Never left there until Friday morning, when he got so bad. On Thursday no other person was at the house of the deceased except Mrs. Smithers's mother (Mrs. Fouts.) who got there before dinner. Mrs. Fouts went there because she was sent for. Witness cannot tell the hour in the day Mrs. F. got there. The deceased ready. Mrs. Smithers was in bed sick. Mrs. Fouts got the dinner. Witness was engaged in washing between the two houses, while Mrs. F. was getting denner: Dethat what is given may contain some errors, but it is be- : ceased eat heartily at dinner--he eat bread, meat, krout, lieved not.] Was present at the examination of the de- &c., but drank no coff e. He drank cider out of a tin cop. The tin cup of cider was setting on the table when witness went in to cat dinner-dont know who put it there. After dinner he complained of being sleepy and laid down and

commenced puking-complained that he was not well- to Smithers except when mad,-always good to him brium tremens I have never examined for that purpose. that his throat and mouth were sore and raw. He did not when in good humor. Nobody talked with me before | From my recollection of books and diagrams, the inflammado anything when he drank the cider, but after dinner he they took up the body. A stranger took me to the place. tion of the stomach of one so dying approaches very near a week lacking one day while Mrs S. was sick: Was not was sleepy. He offered the cider to his wife, Mrs. Fouts, and witness. No other person besides the deceased drank which Smithers always drank at dinner. Sometimes he drank it out of one thing and sometimes another. He did not sleep more than quarter of an hour. Deceased did not sleep more than quarter of an hour. Witness did not sleep more than quarter of an hour. Witness did not hear any conversation between Mrs. Fouts and Mrs. Smither in regard to a certain bottle. Heard of the body. A stranger took me to the place. He did not one so dying approaches very near to the one examined, (the deceased's.) The inflammation, let the did not live peacably—they quarteled nearly all the time; which Smithers always drank at dinner. Sometimes he did not live peacably—they quarteled nearly all the time; agent be what it may that excited that inflammation. In speaking of inflammation. I do not allude to the corrosive der out of a tin cup at dinner. Seven days make a week. Witness did not sleep more than quarter of an hour. Witness did not hear any conversation between Mrs. Fouts and Mrs. Smither in regard to a certain bottle. Heard and Mrs. Smither in regard to a certain bottle. Heard threat to me, and knew I heard it. The stuff was never Mrs. Fouts and Mrs. Smithers talk in Dutch before dinner opened while I was at the house. When he had the bad -they were both taiking Dutch while Mrs Fouts was get- spell, he said he saw people and hogs. And what he ting dinner. Witness could not speak Dutch, and could said then made them find out he was crazy, and they to which no one paid particular attention, and no other ef- | not understand the Dutch language. Deceased wished his wet his head with camphor and he got better. wife to eat breakfast-his wife refused. He urged her to Direct examination resumed - Mrs. Fouts and Mrs. S.

at another time wanted Mrs Smithers to let the child suck counsel .- How did you know that they did not want you -Mrs Smithers refused and said she would throw the child to understand. Ans.-I allowed it. They generally Cannot say how long sulphuric acid would remain on the reling, and Mrs S.'s child was about a week old. Witness out of bed and kill it before it should suck her breast, talked in Dutch when they talked together. They would Deceased told her she ought not talk so if she thought so. speak English to a person who spoke only English. Witness could not tell whether she meant what she said They would speak English to me and Dutch to themor not. Deceased wanted to take up the child when it was selves. They would do it to others. about a week old-Mrs S told him he should not have it, Dr. J. M. Chew .- Was at the post morten examination did not know where the cider was. Did not know where they kept it: Heard the deceased say he was afraid that he was going to have another had spell again, but he did ed many copper colored ulcers in its lower part. The tarily; sction of the upper muscles would prevent, in many not say what it was: Deceased never said any thing about mucous membrane of the stomach was measurably cor-

the same bottle in hands of Doctors afterwards. Sure of the was first there. Mrs. S.'s baby was only about a week old nervous system some, but I am not prepared to answer cork, and believe it the same bettle. Saw it broke after- when witness first went there. Mrs. S. sat up in bed to what degree. Suppose oil of vitriol would produce Witness was not in the habit of visiting the family of the dition as deceased's, I should have had no hesitation in breakfast, only the remarks about eating. There was not ach of deceased was opened and its contents emptied and supposed, but it might have been of years' standing, al- Don't know that he said anything before he drank. Said Direct resumed - Had conversation with the defend- ing. Mrs. S. had said that her nipples were sore. Here was rinsed before being opened. Did not examine mouth, ant that night (Finday.) Asked her if she wished to see the the Counsel for the defence asked witness if it was not brain or throat. The lungs were not affected to cause compsended; she said not. Was at the burial at usual for women to have sore nipples when their children death. Had I treated a patient for complaint of lungs, would be doubly irritant on an inflamed stomach. Chro- some. He then drank himself about the time he com-S. left after deponent had been there a few minutes. Thinks ded to containing wine. Not much acquainted with decease, and sought elsewhere for wife were in the habit of quarreling-one quarrelled about rather a dark brown color.

near a year. She said, I cried, and did not want him to Dr. Charles Parry - Assisted at the post mortem place last Sunday. I arrested her on that day.

Smithers, named in the warrant. It was probably five strongly marked—the vessels were filled with blood. The

thing about the contents of bottle. [Objections] By defendant's counsel. Had heard some man talk about it the large vessels, from which flowed considerable black since I gave my testimony this forenoon. [Here the subject was argued by the counsel, and the court submitted the bottle for his former wife, as he told witness.

his death. Don't know how long before his death. Had sealed up for the purpose of sending it to a chemist for annot lived there for a long time-four or five weeks. Don't alization. The jury did not think the deceased had been know how long she lived there. Guess I was there nine poisoned by arsenic, but by some other poison. We then or twelve weeks. Takes 12 weeks to make a month concluded to open the stomach. This bottle had been Went there in the fall, after seeding wheat time. Left shown to us before this, as the article probably used to before Christmas-don't know how long before-may be poison the deceased, and found it to contain sulphuric a week-reckon may be two weeks. It was cold wea- acid, much concentrated. Tried a cupful of the contents ther. Heard deceased and wife quarrel. Can't tell how of the stomach before opening it, but could not detect the evening. Think the child was two weeks old, on the Sun- in the bottle. This was just after I went there. Mrs. or, glumous, nothing peculiar in smell, and no large lumps. make any motion towards any bottle. Deceased did n't Cut off four inches of asophagus and examined lining hear her make the assertion. He was out of doors. Heard membrane. Did not detect traces of disease. Had a deceased and defendant say the bottle of coloring stuff healthy appearance. Opened the stomach from end to was poison. Heard it just after I went there. Don't end, in which was found evidences of great disease. Exknow what they commenced quarrelling about. She tensive inflammation of the inner coat throughout the entire said it to me. I knew there was a bottle of poison in stomach. Portions more violent than others. Streaks of the house. Have seen Mrs. Fouts there often. They nearly a black color, appearing almost charred. The mutalked so I could n't understand them. Never heard them cous coat was completely colored thus, and removed on allude to the poison. The tottle was in the shape of a the slightest touch. Some portions of a pink color easily pint bottle-square bottle just like a pint bottle. Like a removed. Patches of copper colored blotches, resembling common flask which they carry whiskey about in their ulcers, which were very tenacious, and difficult to remove pockets. It was about half full. It was a long cork, and without tearing the mucous coat. There was inflammation one day deceased broke it kind a slanting like, when go- sufficient to cause death. Symptoms such as would be ing to open it. Never lived at Mrs. Fonts's. Have been induced by a corrosive poison. Sulphuric acid is one of there. Saw the bottle there once. It was took there those poisons. Sulphuric acid taken into the stomach in last Friday. Mrs. Fouts took the bottle home. Saw the quantities sufficient to preduce inflammation, would probottle at Mrs. Fours's. She put it in the lower part of duce such symptoms. Sulphuric acid in a concentrated the cupboard. It was late in the evening-sun an hour form would cause a burning or scalding sensation in the high. She told me she had the bottle, but said nothing mouth. It would sear and corrode as it went, all animal else. Said she bought it of Smithers before he was sick. tissue. The burning would extend into the stomach as Mrs. Fouts told me at Smithers's house, that she had far as the acid went. Could conceive that a drachm or bought the bottle of Mr. S before he was sick. Witness two could be taken in a tin cup of cider without the indid not know what bottle Mrs. S. meant, when she stantaneous effects, but could not see how a teaspoonful threated to give some stuff to her husband; but there in a cupful of cider could be taken without arousing the was only that bottle there, that had poison stuff in it.

> were several bottles on the bureau. There was camphor sensation in the stomach. Medical writers say that one in one, saleratus in one. Don't remember the others. drachm is the smallest dose which would cause death. Don't recollect what they were quarrelling about. Did | The Dr. then gave the general symptoms following the n't quarrel long. Half an hour perhaps. They quarrel- administration of corrosive poisons.] ed so much I did n't recollect what they said. Did n't come to blows. He did n't quarrel much. She got mad somehow. It was directly after I went there. Don't know how many times they quarreled. I told my sister, derstand her and her mother because they talked Dotch. They always did so. Nobody told me what to say. They

sulphurie acid would have any effect when dropped on wat- eat and said that it always had been the case ever since they sometimes talked in English, but when they did n't want were married, and that he knew what it was for. Deceased one to understand, they talked Dutch. By defendant's

> that it was not his. Never heard Mrs S make any threats of James Smithers. There was a great degree of inflamagainst the deceased. Mrs Foutz, Mrs S and witness drank mation of stomach and intestines, extending to the diacoffee at dinner: Deceased did not drink coffee: Witness phragm. Adhesion of the neighboring tissues, so as to the cider when he drank it: He was in the house warming roded or destroyed. My opinion was that the condition himself before dinner, said he believed he was going to of the stomach was such as might have been produced by corrosive poison. No poison was found in the stom-Witness set up with Mrs. Smither the night before the de- ach and no evidence whatever of any being there. The eased was taken sick. Deceased appeared sensible, and spots approached a copper color, surrounded by a red nowed no signs of being crazy. Deceased puked three margin. Most of the ulcers showed this appearance. imes before witness's husband arrived at the house. The heart was examined, and nothing apparently un-Eli Bradfield is the husband of witness. Deceased com- healthy. There was a little enlargement, and a coaguplained that his mouth felt sore. Witness could not say bum of blood-very dark. In the structure of the heart that he puked up any blood-she does not know that he there was nothing extraordinary. Never had an opporpuked up anything except his victuals. At dinner he cat toutty to examine the effects of sulphuric acid taken into name meat, krout and bread. Witness left there the uext the stomach. My opinion is that it would corrode the day after he was taken sick, and did not go back to his stomach and create inflammation, and according to Halhouse till the day before he died. Deceased was crazy in ler, it would coagulate the blood. But I have my doubts the bed the night before he died-no physicians were there | if a person could receive enough into the stomach to difwhile witness was present. They had been expecting fuse itself into the circulation, so as to produce a change physicians, but they did not come. Mrs. Fouts left the upon the blood. When taken in quantity to be injurious ouse of the deceased the day before he died. Deceased it would create vomiting, or a disposition to do so, burn threw up victuals the night before he died, was very dry ing, &c. The degree of inflammation in the stomach and drank a great deal of water. Witness did not notice might cause such action in the heart and arteries, as by how Mrs. S. acted when deceased was first taken sick. their action to cause delirium. Sulphuric acid, if the When deceased was first taken sick Mrs. S. was setting stomach and intestines were evacuated, would pass away up in bed. Witness could not say that his getting sick in two or three days; after eight or nine days, it would appeared to disturb Mrs. S. Witness did not see any liquor pass away so as not to be detected by any chemical analy-

sis. The effect of the acid would remain in the stomach. Cross-examined-Mrs. S. did not set up when witness Sulphuric acid taken into the stomach would affect the when she was eating her dinner. When sitting up in the just such effects as the deceased's stomach exhibited. If bed she could see the bureau-witness could not say that I had known a person to have taken oil of vitriol three she could see the bureau when laying down in the bed. days before and had found his stemach in the same condeceased, and could not say whether Mrs. S. and Mrs. F. saying that the oil of vitriol had produced the effect exwere always in the habit of talking Dutch when about the hibited in the stomach, and also death. Arsenic would house. Deceased did not allow them to talk Dutch when produce a very similar effect. Am not prepared to ache was about the house. Did not hear any quarreling at count for the coagulum in the heart nor its color. Stommuch quarreling when they talked about the child suck- rinsed in cold water. Am not certain that the stomach were at that age? The reporter saw the witness blush, and post mortem examination had revealed no more than but did not hear the reply. Deceased never drank coffee, deceased's, I should have concluded that I had mistaken from continuance and milder character. By proper remedition to be fore the drank. second time she was there he was crazy. Deceased and the cause of his death. The contents were hand and of

as much as the other, so far as witness knew. Never heard | Cross-examined .- There are other articles which would Mrs. S. have any conversation with any person about the produce the same effect as arsenic or sulphuric acid. Arbottle. Witness saw the bottle on the bureau, at the foot dent spirits long continued would produce a similar apof the bed. The table was at the side of the bed. Wit- pearance. Never saw a well marked case of delirium Eli Bradfield .- Was at Smithers's about two weeks before ness is not certain that she saw the bottle the first day the tremens. Men frequently die of delirium tremens no-Smither dad. Heard nothing between deceased and his wife | deceased was taken sick. Witness saw the bottle on the cording to medical authors. Other diseases might produce By Def. Counsel - Suppose there were were from 10 to concerning that bottle to color the same effect. Inflammation of stomach and bowels tuiness. The drowsiness or rather a languor [malaise - gradually. This was sevaral weeks before he was sick, might produce alceration, but not in the same degree. Hardly think a strong dose of aloes would produce the If acid produced the vomiting it must have noted on the fendant very smart intellectually. Was very loving at same effect upon a weak stomach. One might take an coat of the stomach. Don't think that sulphuric acid times and fond of deceased except when quarelling. WEDNESDAY AFTERNOON. | inordinate dose of aloes sufficient to cause inflammation | would be thrown from an entire empty stomach. After | Dr. John Ross-Have attended considerable on family Mr. John W. Baron-sworn. Constable of Pike town- of intestines. Never attended a person who I knew died corroding the mucous membrane, a vehicle might be form- of deceased had an attack of delirium treship. Had and served process on Mrs. S. Entered the of the effects of sulphuric acid. A person who had ta- ed, by mixing with which, a portion might be ejected. | mens in spring of 1848, for which I treated him. Time house with Mr. Fonts; did not know the parties; in- ken sulphuric acid a few days, might have the æsophagus quired if this was Mrs Fouts's house. Inquired if Mrs. inflamed. The mouth and fauces would be inflamed and Smithers was there. An aunt was present, as I was in- corroded. Did not examine any of the organs between or a mile and a quarter from them. Boarded with them applied a blister to the same part. After it had been on formed. I told her I had a warrant, and wanted Mrs. S. the mouth and stomach. Others might have examined to go with me. The old gentleman and lady then began the asophagus. Don't know that ardent spirits would to talk gibberish. I then asked Mrs. S. if she had poi- materially change the contents of the bowels. The con-

soned him. Mr. Bradfield, and the old gentleman and old tents of the stomach would not be materially changed. lady were present. Her reply to my inquiry was, that By neighboring tissues I mean the fatty matter between he took it himself. Did not tell her it would be better to the stomach and intestines, part of the latter adhering to help. Afterwards her mother came. By counsel-Decease. When asked " Did you poison him?" her reply was, "he the inflammation of the stomach. Examined the consymptoms. Deceased might have taken a small quantity of ed spoke kindly at fi st: (Court-Perhaps the woman, like took it houself " I then asked, what? Her reply was, tents of an ordinary pint flask, which contained near a oil of vitriol. Mr. Bredfield asked her if he took it in er- pound of oil of vitriol. Took out the cork with a pen-[Considerable sparring between counself] She said she der; she replied, no, he took it in tea, store tea. No knife. It was much corroded. It was in the hands of deceased that joists were falling on him—that the bureau exposing himself to the cold. Consider defendant rath-

Cross-examined.-Her father, mother, and Mr. Bradfield, diffused appearance of inflammation. It gave the appear-Mrs. Bradfield-recalled - Mrs. Smithers said some- heart was removed to get as much as possible of the œsophagus. In removing the heart, it was necessary to cut was called to the size of the heart, which appeared large; the matter to proceed.] I talked with a man. Also with but after it was taken out, I opened it, and concluded that the women. Did not understand the questions this morning. Told the women I had forgotten. Told the women the cavities of the heart, and found nothing of disease exwhat I had said. Was asked by the women if I told the bottle before the forepart of winter. Deceased bought be the effect of warm water acting on animal tissue. Made this statement to the jury, that if they suspected the pa-Margaret Simson\* .- Lived in Smithers's house before tient to have been poisoned by arsenic, to have stomach attention of the person drinking. It might not cause any Cross-examined -Did n't hear them say any thing very extraordinary inconvenience in the throat at the time about any other bottle baving poison in it. There of drinking, although it would soon cause the burning

THURSDAY MORNING. Dr. Charles Parry-continued - Direct - Have seen M's. Bradfield, about the quarrel. Had not been there several cases of detirium tremens privately and in consullong when deceased took the cork out of the bottle. Do tation. There exists universal and aggravated terror of all n't know what he wanted of it. He did n't get any out. things-spectres of all sorts to be seen. Sometimes will He broke the cork off below the top of the buttle. Nev- talk rational when you coincide with them, but shortly er saw him afterwards try to get the cork out. Deceased wander. This is the mental. Physically, symptoms are him have but the one spell. Complained of being cold be derangement of the secretory organs, or not. Person when he had the ague. That was the only time he had generally complains of illness previous to an attack. none while witness was there. I was friendly with Mrs. -the cases alluded to accompanied by diarrhosa. Vomit-Smithers,-always thought a heap of her. Could n't uning might occur from exhaustion. There would not be a burning such as accompanies taking acid-there might be told me that I must say what I said before the jury. Told a dryness and thirst. Sulphuric acid would cause the easily and would then say many foolish things. Never lay the action of the scid. I would suppose that it must threatened any thing but to leave him. Has been mad manifest itself in less than fifteen minutes, al hough it is a medicinal or metallic substance (mercury) present, which combined with sulphusic acid, caused the appearance. Sul
lumple acid might have united with the calomel and produced

went to sleep but a little, and fused that deceased shed tears, or that the long the dissected aperson who died of delirium trervens for when he was asleep. Witness asked Pop (Mrs. Smithers)

went to sleep. He did not sleep but a little, and fused the eight bar of them would have been equally well provided the express purpose of discovering the effects of that dissipance arid, caused the appearance. Sul
lumple acid might have united with the calomel and produced so yesterday when he laid down. Deceased got up and little doing the calometers for who died of delirium trervens for which have dissected in the express purpose of discovering the effects of that dissipance affected him. Deceased turned over in bed one of them would have been equally well provided the express purpose of discovering the effects of that dissipance affected him. Deceased turned over in bed one of them would have deserted been equally well provided the express purpose of discovering the effects of that dissipance affected him. Deceased turned over in bed one of them would have deserted the express purpose of discovering the effects of that dissipance affected him. Deceased shed tears, or that the long them went to sleep. Went dissected the expression which have dissected him. Deceased turned over in bed one of them would have been equally well provided the expression which have dissected him. Deceased turned over in bed one of them would have dissected the expression which have dissected him. Deceased turned over in bed one of them would have dissected the expression which have dissected the expression which have dissected them the expression which have dissected him. Deceased turned over in bed one of them would have dissected them the expression which have dissected him. Deceased turned over in bed one of them would have dissected them went are the provided th

drunkenness would or not present the dark, streaked ap- for what he had. pearance of the stomach of deceased. Don't recollect of Cross-examined-They both quarrelled, but Mrs. S. alobserving such appearances in any stomach of persons dis- ways commenced it. Witness could not say who comsected. After taking sulphuric acid, the burning would menced the quarrel when she went into the house and continue as long as there was sufficient acid coming in contact with living fibre. It may be lessened by vomiting, when witness went into the house and found them quarstomach-as it would be governed by contingent circum- did not hear any remarks from either in regard to the destances-as whether neutrals were employed, vomiting ceased disposing of his property. or purging succeeded, &c.

good authority with medical men. A person can tell deceased. Was not at the house of the deceased but once when delirium tremens is approaching, generally, when when he was sick, and that was two days before he died. subject to it. The early symptoms of delirium tremens Deceased knew witness when he saw her at that time. are sickness, drowsiness, sometimes nausea and vomiting. Witness did not stay but a few minutes. Mr. Fouts, Mr. If a person supposing the disease to be approaching, should and Mrs. Bradfield were at the house of the deceased at eat a very hearty dinner, it would almost invariably cause the same time. Witness does not recollect of ever hearing vomiting of what he ate, with sometimes bile and gastric Mrs. S. make any threats against the deceased. Witness juice. The skin would be cold, though at the commencement there might be fever with a hot skin. Never dissected a man whom I knew died of sulphuric acid, nor sected a man whom I knew died of sulphuric acid, nor examined any with the exactation of finding any examined any with the exactation of finding any examined. examined any with the expectation of finding any except last summer. Never heard the deceased and wife quarrel. deceased. If a person should take sufficient sulphuric Cross-examined - The Smithers connexion did not acid to be injurious (a drachm.) in a pint of cider, I con- think much of the wife of the deceased. Witness could sider it strange and unnatural that he should not perceive not tell how Mrs. S. happened to make the remark that it, when sipped at dinner. It would also produce a burn- she never liked the deceased-cannot recollect the coning sensation in mouth and stomach before he could com- versation that caused the remark or the particular time plete his dinner. If the dose was larger, the greater would it was made, or whether it was made in anger. Could be the effect. If the effects were noticed by the person not say that Mrs. S. knew that the Smithers connexion taking it, it would probably leave its mark in the throat; did not like her. They were not very intimate with her. although highly diluted, it might pass sufficiently rapid Witness had visited Mrs. S. only a very few times within as to leave but slight traces. If taken in a thick vehicle, the past year. The Smithers connexion were opposed to it might pass without leaving a trace. It would have less the marriage of the deceased to the defendant. effect on the lower part of the osophagus than the upper. The court then adjourned to meet at half past I o'clock, the latter part of which only was not examined. Person P. M. the latter part of which only was not examined. Person would be likely to throw up a portion of acid in vomiting. shortly after taking it, provided the stomach was filled with food. Diluted sulphuric said would produce the irritation which would produce inflammation, and lead to the ate his dinner. It was from a common pint cup. Did corresion. Concentrated would act instantaneously, In not see where the cider came from Don't know who vomiting, what remains of the acid would produce the drew the cider. Deceased and witness went into dinner effect,-that ejected having no effect, except where it had about the same time. Cider was on the table. Did not been in contact. If death was produced, and part of the notice it till I sat down at table. Sat down at table as acid had been ejected, death being caused by the remain- soon as I got in the house. Deceased had not been in der, it is self-evident that more than sufficient to produce the house for a good spell before dinner, Don't know death had been administered. If sipped in cider, and at where they kept their cider. intervals while eating, vomiting commencing soon after, a large portion of the acid would be ejected. Death by ardent spirits not from a natural cause, but a poisonous agent. Whatever is irritant, taken into the stomach, is in casionally to warm. Suppose decorsed was out nearly all day.

\*\*Cross-examined.\*\* Deceased was out nearly all day.\*\*

\*\*Was in and out back and forwards.\*\* Mrs. Fouts was in the house and cooked the dinner.\*\* Deceased was in occasionally to warm. Suppose decorsed was out nearly all day.

\*\*Cross-examined.\*\* Deceased was out nearly all day.\*\*

\*\*Cross-examined.\* some degree poison, acting opposite to nutrition. Noticed traits of isflammation of long standing pointed out by Dr. Bullard. It might have been more recent than Dr. B. cider before he sat down to dinner or drank any himself. though the appearance did not strike me with the same be was sleepy after dinner. Made a fuss in his sleep. force as Dr. B. That is, if continued irritants, as alcohol, Mrs. F. was washing dishes. By Def. Counsel. He should be applied, these appearances would remain, and it called Mrs. F. mother, and asked her it she would drink nic inflammation is of long standing-sub acute, merely menced eating. Had not eaten more than a mouthful or

staid till Wednesday-Saturday after he was taken sick. white and red edges, (he told me he had the diarrhoea) Left on Wednesday-came back Thursday and staid till which I accounted for in that way. Some three weeks his death. My memory is short. When I first went, previous he had sent to me for something for a sore mouth, thought deceased quite poorly-complained of pain under I found his mouth red and inflamed at the time his wife was on the floor-that negroes were about-was flighty- er unintellectual. I judge from this-that when asked this was on Saturday-conceited that my daughter was if she had had passage of the bowels, she would frequenttake it, but he would. I asked, can you prove this? She examination of James Smithers. After opening the corpse lying on the hearth-don't know how to term it-crazy or ly reply, no, when her husband would correct her. She replied, yes, by father and mother. Conversation took I called the attention of the physicians to the remarkably not. He had these spells frequently from Saturday till didn't know what costive meant. Could get no intelligi-Tuesday morning. Knew he drank liquor-did'nt think ble answers from her, which I attribute to ignorance. Cross-examined.—Her father, mother, and Mr. Bradfield, and the aunt, the three last surely, were present. Did n't know of any other case of poisoning. When I asked n't know of any other case of poisoning. When I asked the smaller bowels connected therewith; also to the omen-draw of medicine or she might be might have done so. Think her mind far below memorary, so more distance of the contents of the abdomen of a pink or reddish ance of the contents of the abdomen of a pink or reddish the was drinking to excess, though be might have done so. Think her mind far below memorary, so more distance of the contents of the contents of the abdomen of a pink or reddish ance of the contents of the stomach, but extended to the smaller bowels connected therewith; also to the omen-draw of medicine or she might give too much or not enough. The only trace of vitriol I could discover might have the question, "did you poison him?" I alluded to James tum. The connection of this with the stomach was very ceased, with little liquor and ginger in it. He took it sparingly-did not complain of his stomach, but of his breast for from other causes. He had the diarrhoea, or the othminutes after I read the warrant that I asked the ques- stomach was carefully removed, and tied at the lower end, and side. Deceased said nothing of a burning sensation er medicines operated without using oil. Deceased comin the stomach. Said at some time during his sickness, plained of no particular pain when I called. that he had no misery-was not sick at his stomach- Cross-examination-Consider it an evidence of mental did'nt think him in his right mind. The child, I think, imbecility, that she did not know how to give medicine was three weeks old after he was taken sick-either two without instruction. Sulphuric Acid would cause diaror three weeks. Good deal of quarrelling between deceas- rhoea. Deceased had diarrhoea. Cold will settle in the ed and wife-none between Mrs. Fouts and Mrs. S. Nev- throat, and might cause, in connection with liquor, iner heard defendant threaten deceased-deceased had threat- flammation. Sulphuric Acid in my impression, would ened to leave her if she did not do better. Deceased had cause the whitish appearance of the tongue, if it acted as about the bottle. I say it is because I recollect since cept the appearance of the blood. After opening the heart 45 acres of land. There was a talk of deceased's selling a cathartic. shout the bottle. I say it is because I recollect since they told me, that I had forgotten. I heard them both [defendant and deceased] say it was poison. I saw it long before he was taken sick, early in the winter. Had seen both defendant and deceased handle the bottle, and I asked him what he was going to take some tight to prevent the escape of the contents of the bottle, and I asked him what he was going to take some tight to prevent the escape of the contents of the bottle. They told witness and sister the contents of the bottle. They told witness and sister the contents of the bottle. They told witness and sister the contents of the bottle. mens the stomach would be irritable but not necessarily weak. The more frequently a person suffered from such at tacks, it would be supposed, a priori, the more easily would to supposed, a priori, the more easily would be supposed, a priori, the more easily would to supposed, a priori, the more easily would be supposed. It is to be deticious, the lower end being previously tied. Removed the stomach, the lower end being previously tied and the coloring the lower end being previously tied. Balance would probably be worth from \$150 to the lower end being previously tied. Was not the stomach, the lower end being proviously tied and the bottle and the stomach, the lower end being proviously tied. The bottle better the contents of the stomach, the lower end being proviously tied. The lower end being proviously tied and the bo from Saturday till his death: Went also after the doctor; pour some tea in a teacup, and tried to get some of that seemed to rest tolerable well on the night previous to his stuff into the tea. Don't know certain whether he got death. Slept say three hours: Had not slept much pre- any or not, but think he did. Worked at the cork a long viously. Could'nt see any particular change, till he sent time. Think he did not get it out, but made a hole in it for the doctors Ross. Appeared alarmed and wanted both to try and get it out. He had an awl, or something of -was growing weaker-Doctor put a blister on back of that sort in his hand. He held up the bottle as if in the his neck and his delirium left him. Had a rattling in his act of pouring. He then drank the tea. Not more than throat-was in a sweat when he died-grew worse very a tablespoonful in the cup. I saw it when he ordered me fast after giving the oil and turpentine on Friday morning away. There were two bottles on the bureau, one with a of his death. About 2 o'clock wanted to sit up. Got up little whiskey and the other with dye-stuff. Defendant -gave him slippery elm-tea and powders of the Dr to begged him not to drink it, and cried. He replied, "Shut many times. Heard her say he was an old devil, and if acid then, nor after the stomach was opened. Tried sev- drink-speared faint-but get up and walked with very up-it is none of your business what I take." he did n't mind, she would give him some of that stuff eral tests. Contents presented a thickish, dark olive colhimself. Directly after, we sent for Mr. White and Mr This was after breakfast, between nine and ten, I think. day night previous. No physician ever there when I was Smithers did n't say which bottle she meant. Did n't Quantity, suppose between two-thirds of a pint and a pint. Potter. We advised that all had better not stay all night Nobody present but witness and defendant when he took -that some would be wanted for the succeeding night. it. Shortly witness's old man came in. During the day Have seen the bottle of dve stuff, said by both to be poi- several others came in. son. Witness about to take bitters, was cautioned by de- I staid till he was dead. Saw him drink it. Did nt

get better: Got better some hours after Dr Ross had left; know whether he got any out of the bottle or not. dered-cou'd not stand the mustard, and the doctor pre- told, but he told me not to. (Most of the foregoing answers pared something else: He seemed better after the medi- were to the court who multiplied questions very rapidty.)

three-quarters of a mile from him. Had seen his wife it was no whiskey, he said he knew better-it was whiskey; requently. Had not been there more than about a dozen there was a pricher of tea standing on the bureau, and untimes, and had never heard any quarreling between the derstood that he had taken it in tea; when witness went in deceased and wife, and never heard her make any threats deceased appeared to be quiet and easy. against the deceased. Witness was there twice during his Cross-examined - Never told Harn that Smithers had neve last sickness. Was there on Monday after he was taken er taken any of the poison; Hain came after the buttle at sick, and shaved him. He appeared to be very unwell night: I was in bed sick. (First answer reiterated ) Silas and seemed to have a fever. When he got up to be shaved Webb was present at the time; never told the doctor or any he could not walk without taking hold of chairs, and his know that he had taken it; I did not know that he had taken it; deceased said don't tell any body color would change. When witness was at the house, because if the doctor finds it out, he may get mad; had no Mr. Simson, Mr. Fouts, and if he was not mistaken, the conversation since before his death with Mrs. Excret, until old lady (Mrs. Fouts) were there. Never saw a case of I came here; don't recollect of saying any thing to Mrs. delirium tremens. Witness left the house of the deceased Escret when I met her on the soud; never told her that that day, and did not see him until the next Thursday deceased had never taken any portion from that bottle. evening. On that evening, if he was not mistaken, Mr. Starkey, Mr. Fouts, and the old lady were there, or got there a short time after he did. Deceased appeared very | Harn, -Mr. Fours told witness that it was not worth sick. Witness asked him how he was, and he replied that while to have had the corpse taken up, as he didn't believe had the ague and was delirious a little while directly af- prostration, nervous excitement, &c. &c. But the distin- he was very bad Witness asked deceased if he knew he had ever taken any of the dye-stuff, or that any body ter I went. He fainted away like, and they bathed his guishing trait is the mental-fear of untold dangers, &c. | what his complaint was. He replied that he believed that had ever given him any. Silve Webb was with witness. head in camphor, and he soon got better. He was up An attack may come on very sudden. May complain of he had caught a bad cold by exposing himself and that it The testimony here closed, and defendant fully acquitted. the next morning. Mrs. Fouts was there. Never saw ill health, but no very strongly marked symptoms. May had settled on his lungs, and gave nearly the same reply the first time that witness was there to shave him. Witness was there when Dr. Ross went to see him the last in the field. Deceased was called to dinner when it was after I went away that he got whiskey—sold time, and was not present when he died. Nothing passed to be the first time, and was not present when he died. Nothing passed to be the first time, and was not present when he died. Nothing passed to be the first time, and was not present when he died. Nothing passed to be the first time, and was not present when he died. Nothing passed to be the first time, and was not present when he died. Nothing passed to be the first time, and was not present when he died. Nothing passed to be the first time, and was not present when he died. Nothing passed to be the first time, and was not present when he died. Nothing passed to be the first time, and was not present when he died. Nothing passed to be the first time, and was not present when he died. Nothing passed to be the first time, and was not present when he died. Nothing passed to be the first time, and was not present when he died. Nothing passed to be the first time, and was not present when he died. Nothing passed to be the first time, and was not present when he died. between deceased and his wife any further than this :- exceedingly brisk in Australia. The "commodity" Deceased called his wife twice to his bed-witness stepped is in great demand, transactions are peremptory, and to his bed, thinking that he wanted some assistance, and no bargains made "on time." The following is from asked him what he wanted, when deceased replied "Pol- the Port Philip Patriot; with witness. Would not hart witness for any thing. merely guess work, depending on circumstances. Never him. Could not say that deceased shed tears, or that the

Miss Jane Jones:- Witness was argustated with deinflammation. A recent exciting cause (diluted acid) would meant by the remarks, as both stopped quarrelling when present a fresh or red appearance in the inflammation. Can- witness entered the house: Mrs Smither told witness that not answer whether the stomach of a person who died of she never tiked the deceased-that she only married him

found them both quarreling, but she had seen Mrs S, commence quarrels a great many times. Mrs S. was in bed

Mrs. Mary Smithers .- Witness was acquainted with the Cross Examined - Taylor's Medical Jarisprudence is deceased and wife. Witness is a daughter-in-law of the

FOR THE DEFENCE.

THURSDAY AFTERNOON. Mrs. Bradfield-Deceased sipped his cider alone as he

dies, it may be made to disappear if the exciting causes are Mr. Simson-Don't know that deceased had had such kept away. If irritants are applied, it may be excited to spells (flightiness) before, except by hearsny. Deceased a higher grade of inflammation. Acute is of more recent said one day before was taken sick-say 3 or 4 weeksdate—lately produced—and of a more violent character.

Direct resumed—Drowsiness might be a symptom of delirium tremens in its earliest stage—but the motto of physicians is "sleep or death," where the disease has commenced in its terrors when there is a prefernatural make.

Said the day before was taken size—say 5 or 4 kerks—

that he was about to have one of his bad spells again.

Deceased said that Dr. Horner had cured him of one of those bad spells once before. Have noticed one morning a tremer in one of his hands. [Witness here described in its terrors when there is a prefernatural make.] menced in its terrors, when there is a preternatural wake- Took nothing but a dram of liquor, when it were off iti at case | might precede the violent attack several days. and before his wife was confined. Never considered de-

John Simson - Was acquinted with deceased and wife, alluded to, directed mustard draughts to be applied to his -well acquainted since New Year. Lives about a mile neck. Don't know if it was applied. The last time I about New Year: Absent two or three days at a time, ordered a mustard draught, which extended the time till his wife was confined. Since then was not there except a piece of an afternoon and may be a night. Was sent for on Friday—did not go—went on Saturday and staid till Wednesday—Saturday after he was taken sick.

He was crazy when he took it, and I was afraid of

ceased not to take the poison. Witness supposing it to be tell any body-he said he knew it was whiskey-I know brandy: Never heard defendant threaten to give any of it the bottle was not whiskey. He went to bed, and it did not appear to hurt him any. Told my old man, Cross Examined:-Staid with deceased from Saturday The old man told Smithers he ought not to take it. till Wednesday. Deceased was flighty till Dr Ross came: Deceased said he would take what he pleased It did not Had lighter spells after blisters began to draw-began to appear to hurt him. Never told any body else. Don't Don't know what blister was made of: Mustard was or- tell the doctor he had taken any of the stuff; I would have

cine administered by Dr John Ross: Don't recollect that Jacob Fouts -1 was there on Thursday morning previous he had flighty spells after Thursday noon: The bottle of to his death, and they, the women, said they were afraid, acid set on the bureau all the time till the time he was They told me that deceased went to the bureau, and said he buried: I had it in my hand: May be mistaken as to the was going to take some whiskey; when told that it was not whiskey, he cursed: I went to the buseau and asked him if he had taken some of that; he spoke short and said it was Samuel Potter .- Witness had been acquainted with the none of my business; directly after he talked better a d seemlate Mr. James Smithers for about a year. Lived about ed to come more to his senses; when witness told him that

FOR THE PROSECUTION.

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ly!" [the name he generally called his wife.] Witness | No Time Lost.-No less than eight of the female testified that Mrs. S. was in the same room and did not go emigrants by the William Stewart were respectably to his bedside—that she was sitting in a chair in hearing and well married before they had been ashore forty.